IN THE DISTRICT COURT OF THE UNITED STATES FOR THE WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION CIVIL ACTION NO. 3:13-cv-46

LAWANDA FAISON,)	
Plaintiff,)	
v.))	CONSENT MOTION FOR PROTECTIVE ORDER
JOHN FRANKLIN ALLISON and)	
AVANTE AT CHARLOTTE, INC.)	
)	
Defendants.)	

NOW COME the Defendants and the Plaintiff, through their counsel of record, and pursuant to Rule 26 of the Federal Rules of Civil Procedure, and submit this Consent Motion for Protective Order, showing unto the Court as follows:

- 1. Plaintiff filed suit on January 24, 2013, and filed an Amended Complaint on February 13, 2013, alleging that she was injured as a result of an automobile accident with the Defendants.
- 2. The parties are in the process of conducting discovery and taking various depositions. Counsel for the Defendants has scheduled a 30(b)(6) deposition with Plaintiff's former employer, TIAA-CREF Individual & Institutional Services, LLC and/or TIAA-CREF Insurance Agency, LLC (hereafter "TIAA-CREF") for April 14, 2014. In connection with that deposition, the Defendants' counsel sent TIAA-CREF a *subpoena duces tecum*, requesting various documents that may be in TIAA-CREF's possession which relate to Plaintiff's employment at TIAA-CREF.
- 3. TIAA-CREF's litigation department has advised that some documents and/or information responsive to the *subpoena duces tecum* may contain confidential and/or privileged

commercial information. Furthermore, this information is not available to, and not disseminated

to, the general public.

4. Accordingly, the Plaintiff and Defendants have agreed to the attached Consent

Protective Order to ensure that such asserted confidential and privileged information will not be

used for any purpose other than this action, and will not be made public or otherwise be

disseminated beyond the extent necessary for purposes of this action and in accordance with the

proposed Consent Protective Order.

5. Counsel for Plaintiff and Defendants have consented to the proposed Consent

Protective Order submitted with this Motion. This will allow the aforementioned 30(b)(6)

deposition of TIAA-CREF to proceed without delay.

6. The Fourth Circuit has recognized that a Protective Order may be granted to limit

public access to "business information that might harm a litigant's competitive standing."

Woven Electronics Corp. v. Advance Grp., Inc., 930 F.2d 913 (4th Cir. 1991) (unpublished)

(citing Nixon v. Warner Communications, Inc., 435 U.S. 589, 598 (1978)).

WHEREFORE, the Parties respectfully request that this Consent Motion for Protective

Order be allowed, and that the proposed Consent Protective Order be entered by the Court.

This the 11 day of April, 2014.

CRANFILL SUMNER & HARTZOG LLP

BY: /s/ Todd King

Todd King, NC Bar #28621

Attorneys for Defendant

P.O. Box 30787

Charlotte, NC 28230

Telephone (704) 332-8300

tak@cshlaw.com

446109 v1

EVERAGE LAW FIRM

BY: /s/ Charles Everage_(by TAK w/ permission)

Charles Ali Everage
Attorney for Plaintiff

1800 Camden Road, Suite 104

Charlotte, NC 28203 (704) 377-9157

cae@everagelaw.com

CERTIFICATE OF SERVICE

This is to certify that the undersigned has this day served the attached Consent Motion for Protective Order on all of the parties to this cause by electronically filing it with the Clerk of Court using the CM/ECF system which emailed it to the following:

Charles Ali Everage
Everage Law Firm, PLLC
1800 Camden Road, Suite 104
Charlotte, NC 28203

This the 11 day of April, 2014.

CRANFILL SUMNER & HARTZOG LLP

BY: /s/ Todd King

Samuel H. Poole, Jr., NC Bar #13659 Todd King, NC Bar #28621 Attorneys for Defendant P.O. Box 30787 Charlotte, NC 28230 Telephone (704) 332-8300 Facsimile (704) 332-9994 shp@cshlaw.com tak@cshlaw.com